**THE HON'BLE MS JUSTICE G.ROHINI**

Writ Petition No.1748 of 2003

16.12.2005

Between:

Shaik Moulali s/o Silar Masood and others.

**... PETITONERS**

AND

The Commissioner for Cooperation & Registrar of Cooperative Societies, Gruhakalpa, Gandhi Bhavan post Office, Hyderabad and others.

**.....RESPONDENTS**

**THE HON'BLE MS JUSTICE G.ROHINI**

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Writ Petition No.1748 of 2003

**ORDER:**

The writ petitioners claim to be the members of the fifth respondent-Society. The writ petition is filed seeking a declaration that the action of respondents 1 to 3 in not taking steps for de-registering the fifth respondent-Society in accordance with Section 9(B) of A.P. Cooperative Societies Act, 1964 (for short 'the Act') in terms of proceedings of the third respondent, dated 24.07.2002, as arbitrary and illegal.

It is to be noted that the petitioners raised a dispute before the first respondent, Commissioner for Cooperation & Registrar of Cooperative Societies, Hyderabad, with regard to registration of the fifth respondent-Society as well as the amount paid by the petitioners towards the share capital. The grievance of the petitioners is that the first respondent failed to adjudicate upon the said dispute as required under Section 61(1) of the Act.

Having heard the learned counsel for the petitioners and the learned Government Pleader appearing for the respondents 1 to 4, I am of the opinion that since the dispute raised by the petitioners is a dispute touching the constitution and business of the fifth respondent-Society, the first respondent ought to have taken up the issue and ought to have passed appropriate orders in accordance with law.

Accordingly, without expressing any opinion on merits, the writ petition is disposed of with a direction to the first respondent to conduct necessary enquiry on the basis of the representation made

by the petitioners, dated 22.06.2002, and to pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order. No costs.

16.12.2005

VGB